

preliminary review of physical medicine in its various aspects. The field of physical therapy includes hydrotherapy, electrotherapy, light therapy, balneology (therapeutic use of natural mineral waters), massage, and the use of light rays as treatment. According to Doctor Wilbur, Baruch has asked the Committee to investigate the assistance the program could give to the rehabilitation of wounded men of the service.

Physical medicine has a long but undeveloped past history, but, according to Doctor Wilbur, the future will find it making great advances as a scientific field.

MEDICAL JURISPRUDENCE†

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Legal Effect of Delegation of Duties to a Registered Nurse

Because of the current shortage of physicians and surgeons in most localities, numerous inquiries have been received as to the legality of entrusting certain procedures to registered nurses employed in a physician's office and thereby conserving, to a considerable extent, the more valuable time of the physician.

When a medical procedure or treatment is delegated by the physician to his nurse, two legal questions are raised: First, a question of possible unlawful practice of medicine by the nurse; and, second, a question as to the effect of such delegation upon possible malpractice liability of the physician.

In *Sowash vs. Emerson*, 32 C. A. 13, it was held that nursing is a distinct scientific profession which is properly the subject of regulation by the State. Accordingly, in determining what a registered nurse, licensed by the State of California, may properly do, reference must first be had to the statutes. Business and Professions Code, Section 2725 defines the practice of nursing:

"The practice of nursing within the meaning of this chapter is the performing of professional services requiring technical skills and specific knowledge based on the principles of scientific medicine, such as are acquired by means of a prescribed course in an accredited school of nursing as defined herein, *and practiced in conjunction with curative or preventive medicine as prescribed by a licensed physician* and the application of such nursing procedures as involve understanding cause and effect in order to safeguard life and health of a patient and others." (Italics ours.)

The next section of the Code provides that the license of a registered nurse confers no authority upon the holder to practice medicine or surgery or to undertake the prevention, treatment or cure of disease, pain, injury, deformity or mental or physical condition in violation of any principle of law.

The net result of these sections is that a nurse may legally perform any procedures in connection with the care of a patient which would not constitute practice of medicine in violation of the Medical Practice Act and can do many things under the general supervision of a physician which would be unlawful if performed entirely on her own responsibility. The law clearly authorizes a registered nurse to undertake all necessary procedures to carry out the orders of a doctor of medicine. In answer to inquiries, we have advised that if done under the supervision of a doctor

of medicine, a registered nurse may properly carry out such procedures as the giving of intramuscular and intravenous hypodermic injections.

The question then is raised of the effect of delegation to a nurse of certain duties upon possible malpractice liability of the physician. Unless the acts performed by the nurse at the direction of a physician are of such a nature that no reasonably competent physician would allow a nurse to perform them, the fact alone that the nurse rather than the physician performs a certain act would not establish liability for malpractice in the event that some damage results to the patient from the treatment. A physician is, however, directly responsible for all acts of his assistants and, in the event some damage results to the patient through the negligence of the nurse, liability could be imposed upon the physician.

In the final analysis, it must be the physician in charge who determines what a nurse shall be permitted to do in a given case. The final responsibility for the results of her action rests upon him and he must be the judge of the extent of her knowledge and experience.

Urology Award.—The American Urological Association announces its annual award "not to exceed \$500" for an essay on the result of some specific clinical or laboratory research in urology. The amount of the prize is based on the merits of the work presented, and if the Committee on Scientific Research deems none of the offerings worthy no award will be made. Competitors shall be limited to residents in urology in recognized hospitals and to urologists who have been in such specific practice for not more than five years. The selected essay (or essays) will appear on the program of the forthcoming meeting of the American Urological Association, June 19 to 22, Hotel Jefferson, St. Louis. Essays must be in the hands of the secretary, Dr. Thomas D. Moore, 899 Madison Avenue, Memphis 3, Tennessee, on or before March 15.

Concerning Resolutions to Be Submitted to the House of Delegates of the California Medical Association at the Annual Session.—Members of the Association and of the House of Delegates of the California Medical Association who have in mind the submittal of resolutions or amendments to Constitution and By-Laws to be presented to the House of Delegates at the annual session, to be held in Los Angeles on May 7-8, 1944, should keep in mind the rules of the House, which state that all such proposed resolutions and amendments must be submitted in triplicate and handed to the Secretary at the time the same are presented.

The Size of "California and Western Medicine" Reduced: Governmental Directive.—Commencing on January 1, 1944, it has been necessary to reduce the number of pages in CALIFORNIA AND WESTERN MEDICINE by 10 per cent. The governmental directive applies to all publications, and has been issued in order to conserve paper. The saving has been accomplished by reduction in number of pages in both the text and the advertising divisions. Hereafter some of the rosters which have appeared in every issue of CALIFORNIA AND WESTERN MEDICINE will have place only on alternate months.

By no means the least important factor in preparation for defense is the maintenance and promotion of health at home. A high standard of health is important enough in normal times. It is doubly important in a time of stress. In the war-torn countries of Europe today, epidemics of disease are almost as greatly feared as enemy invasion.—Hon. Herbert H. Lehman, former Governor of New York State.

† Editor's Note.—This department of CALIFORNIA AND WESTERN MEDICINE, presenting copy submitted by Hartley F. Peart, Esq., will contain excerpts from the syllabi of recent decisions and analyses of legal points and procedures of interest to the profession.